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Before the

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FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

SEP 27 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Panacea, Florida)

MM Docket No. 93-229

RM-8296 P

RM-8296

To: Chief, Allocations Branch
Private Radio Division
Mass Media Bureau

COUNTERPROPOSAL

Bitner-James Partnership ("WTPS"), permittee of Station WTPS(FM), Quincy, Florida, by its counsel, hereby submits a counterproposal to the Notice of Proposed Rule Making ("NPRM"), 8 FCC Rcd 5257 (1993) which proposed to allot Channel 263A to Panacea, Florida, in response to a petition filed by EME Communications. WTPS requests that the Commission consider an alternate channel for Panacea -- Channel 237A -- and the substitution of Channel 264C3 for Channel 264A at Quincy, Florida, and a change of community of license to Midway, Florida. In support, WTPS states as follows:

1. WTPS has no objection to the allotment of an FM channel to Panacea but would prefer that Channel 237A be considered instead of Channel 263A so that WTPS can propose an improvement in the authorized coverage area of Station WTPS. As

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shown in the attached Engineering Statement of Bromo Communications, Inc., Channel 237A can be allotted to Panacea consistent with the Commission's distance separation requirements in Section 73.207(b) of the Commission's Rules at the coordinates listed in note 2 of the NPRM -- 29° 54' 33" N. and 84° 21' 01" W.

2. Channel 264C3 can also be allotted consistent with the minimum distance separation requirements with a site restriction as shown in the attached Engineering Statement. However, Channel 264C3 cannot be allotted to Quincy, Florida, and serve 100% of the community of license, due to the site restriction needed to avoid short spacing to Station WJAQ(FM), Marianna, Florida. See attached Engineering Statement.^{1/} However, the site restriction will enable WTPS to serve Midway, Florida, and provide a first local service to this community. WTPS will apply for Channel 264C3 if allotted to Midway and construct the station, if authorized to do so.

3. Midway is listed in the 1990 U.S. Census with a population of 852 persons. Midway is located in Gadsden County (the same county as Quincy), which has a population of 41,105 persons. Midway is an incorporated community with a mayor,

^{1/} The attached Engineering Statement indicates that approximately 80% of Quincy would be served with a 70 dBu signal. Should the Commission staff's own analysis indicate that the site restriction for Quincy can serve all of that community, WTPS(FM) would apply for Channel 264C3 at Quincy and construct the facility if authorized.

city-manager type of local government. Midway was recently incorporated in 1986 and has all the attributes of an independent community including its own City Hall, Police Department, Volunteer Fire Department, Post Office (Zip Code -- 32343), Planning and Zoning Commission, Recreation Department, schools, churches, and business district. Midway has no local radio service.

4. Quincy, population 7,444 (1990 U.S. Census),- also located in Gadsden County, is served by two full-time stations, Stations WWSD(AM) 1230 kHz and WFHT(FM) on Channel 268C2. Thus, Quincy will retain local service. Accordingly, this proposal complies with the Commission's decision in Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989) recons. granted in part, 5 FCC Rcd 7094 (1990).

5. The allotment of Channel 264C3 to Midway will result in a preferential arrangement of allotments. Midway deserves a first local service compared to Quincy retaining a third local service. Quincy is a community which has lost population since the 1980 U.S. Census figure of 8,591. As indicated earlier, the 1990 population is 7,444. Quincy's two full-time stations are adequate to provide service to a community of Quincy's size.

6. On the other hand, Midway is a new community, recently incorporated (in 1986), and growing. (Midway was not listed in

the 1980 U.S. Census.) The Gadsden County Chamber of Commerce estimates Midway's current population at 1,118. As indicated earlier, Midway has all of the attributes of a self-sufficient community including municipal services, businesses and cultural activities. Since WTPS is an unbuilt station, it will not deprive Quincy of existing service. Nevertheless, at least 80% of Quincy can be served with a 70 dBu city grade signal. See Engineering Exhibit #2.

7. The Engineering Statement also demonstrates that the public interest will be served by a substantial increase in the number of persons that would receive a 60 dBu signal from WTPS. The current Class A coverage area includes 98,551 persons. That population figure would increase to 246,343 within the 60 dBu contour from a Class C3 station. The increase in population would total 147,792 persons.

8. WTPS' proposal to relocate to Midway where it cannot upgrade and provide a city grade service to Quincy is consistent with the Commission's decision in Zanesville and South Zanesville, Ohio, 5 FCC Rcd 6726 (1990). In that case, Station WCVZ(FM), Zanesville, proposed to upgrade at South Zanesville because it could not provide a city grade signal to Zanesville due to the site restriction imposed on the higher class channel. This case served as an impetus for the Commission to issue its decision in the generic Modification of FM and TV Authorizations to Specify a New Community of License, supra and promulgate

Section 1.420(i) of the Commission's Rules. Thus, as in that case, the public would benefit from a large increase in coverage area as well as the provision of a first local service. These benefits could not be achieved if WTPS were to remain at Quincy.^{2/}

9. Although WTPS is an unbuilt station, it is still eligible for a change in community of license because it obtained the permit through a settlement of a comparative hearing before the ALJ's Initial Decision was issued. Thus, no decisionally significant preference was accorded to WTPS for such factors as local residence or daytimer preference. Therefore, WTPS is not required to serve Quincy for a minimum period of time before it can relocate to another community.^{3/}

^{2/} Midway is not located within any urbanized area. The closest Census designated urbanized area is Tallahassee, Florida. That area is entirely confined to portions of Leon County. Midway is located in Gadsden County and independent of that area. The attached Census map is provided as Exhibit 3.

^{3/} WTPS remains unbuilt due to (1) the bankruptcy of the majority partner, (2) the pending assignment of license to a new entity (BAPH-930702GK) and (3) the loss of its authorized transmitter site which belonged to the bankrupt majority partner. A new transmitter site for the Class A channel has been negotiated and an application is to be filed by the new entity shortly.

The undersigned counsel represents both the assignor and the assignee to the pending assignment of license. While this counterproposal is submitted on behalf of the assignor, the assignee has authorized undersigned counsel to state that it will also apply for Channel 264C3 if allotted to Midway and will construct the station if authorized to do so.

10. Although Panacea has been proposed an alternate channel (237A), in the event that channel is not approved to Panacea for some reason not presently apparent to WTPS, WTPS would like to address the comparative merits of Midway versus Panacea for a first local service.^{4/} EME states in its petition that Panacea "is a coastal community of 660 people according to the 1990 Census Data." However, WTPS has been unable to find a listing for Panacea in the 1990 U.S. Census. See Exhibit 1. On the other hand, the 1990 U.S. Census does list Midway as an incorporated community. See Exhibit 1. Furthermore, the 1990 U.S. Census County Subdivision map does not show an area in Wakulla County identified as Panacea but does show an area in Gadsden County identified as Midway. See Exhibit 2. Nevertheless, using the population figure provided by EME -- 660 versus the 1990 U.S. Census listing for Midway -- 852, Midway should receive a dispositive preference for the channel allotment under the Commission's priorities. See e.g., Bostwick and Good Hope, Georgia, 6 FCC Rcd 5796 (1991) (where Bostwick was favored solely because its population of 370 persons was larger than that of Good Hope with 250 persons.) Citing Three Oakes and Bridgeman Michigan, 5 FCC Rcd 1004 (1990) and Clarkesville and Lane, Indiana, 4 FCC Rcd 4968 (1989). As further support for the allotment of Channel 264C3 to Midway,

^{4/} WTPS(FM) notes that a number of other alternate channels are available for allotment to Panacea. Channel 237A was chosen because it can be used at the reference coordinates chosen by the petitioner and specified in the NPRM.

Channel 264C3 would provide a 60 dBu signal to 246,343 whereas Channel 263A at Panacea would provide a 60 dBu signal to a total of 1,728 persons with most of the signal wasted over water.^{5/} Beyond the marginal ability of Panacea to support a station, it is inconceivable that a total reception area population of just 1,728 persons can support a station. WTPS would like the Commission to take this factor into consideration in determining whether a channel should be allotted to Panacea in any event.

11. In case the Commission decides that Panacea deserves a first local service, Channel 237A can be allotted in order to avoid a comparative analysis. WTPS has provided the above analysis as a precautionary measure at this stage consistent with the Commission's policy for the submission of counterproposals. See e.g., Stamps and Camden, Arkansas, 3 FCC Rcd 3644 (1988).

Conclusion

12. WTPS has demonstrated that Midway is more deserving of a first local service than Quincy would be of a third local service. This proposal is designed to follow the Commission's policy of encouraging maximum utilization of existing frequencies by permitting an upgrade to a Class C3, which can be

^{5/} Although EME's petition shows a very small area of land available for a transmitter site, this low lying swamp area may not be suitable for tower construction. Alternate channels that are available provide more site flexibility.

accomplished at Midway, but not Quincy, and a substantial increase in reception service area. Midway is not located in any urbanized area, but is a growing community with its own local government, business and cultural activities. WTPS has provided an alternate channel for Panacea to eliminate the conflict but has shown that if the alternate channel is not available for any reason and no other alternate channel can be found, Midway is more deserving of a first local service than Panacea due to its larger population and listing in the 1990 U.S. Census. As stated earlier, WTPS will apply for Channel 264C3 if allotted to Midway and construct the station if authorized to do so.

Respectfully submitted,

BITNER-JAMES PARTNERSHIP

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Its Counsel

September 27, 1993

EXHIBIT 1

Table 16. Land Area and Population Density: 1990—Con.

[For definitions of terms and meanings of symbols, see text]

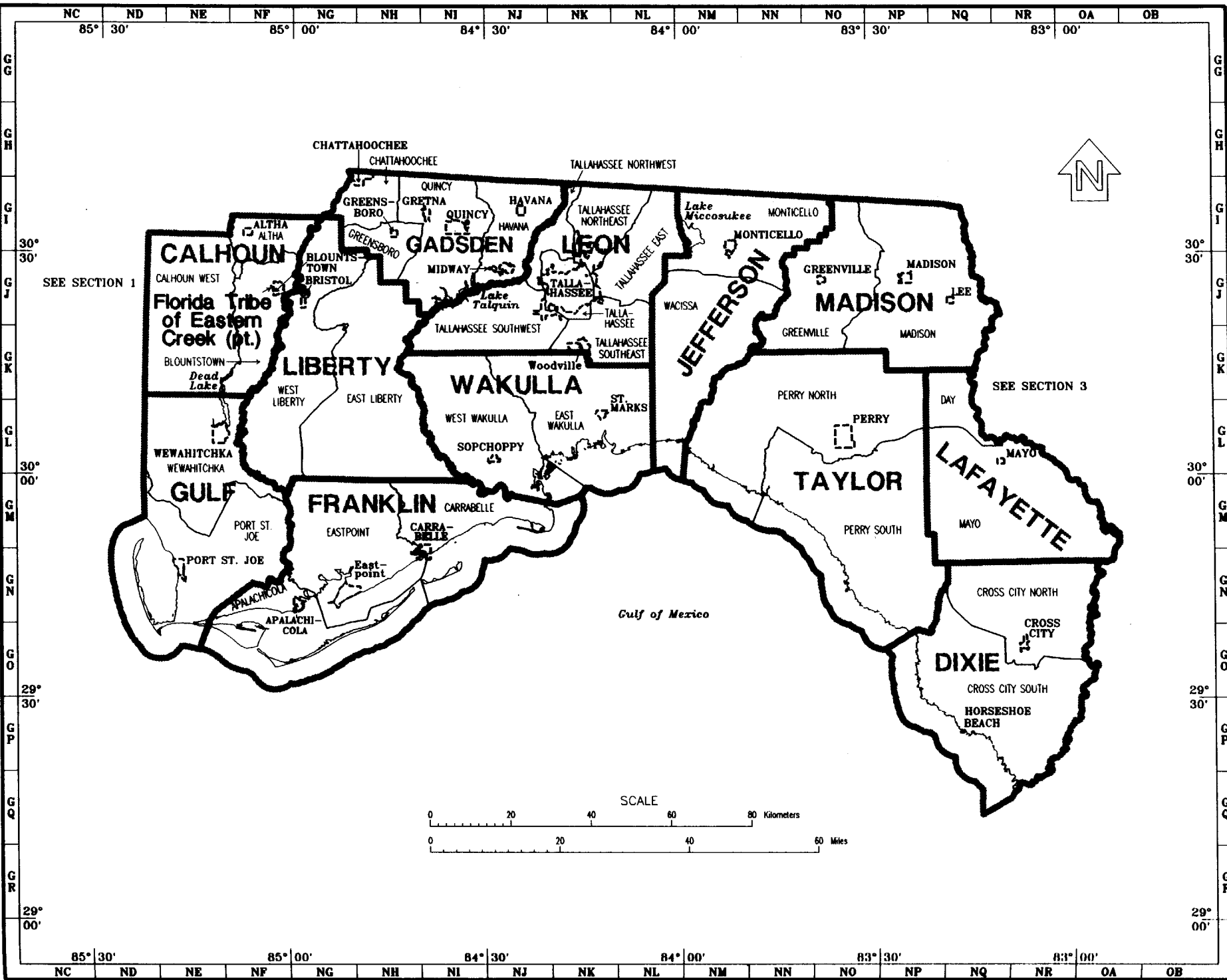
State County Place and [In Selected States] County Subdivision	All persons	Land area		Persons per—		State County Place and [In Selected States] County Subdivision	All persons	Land area		Persons per—	
		Square kilo- meters	Square miles	Square ki- lometer	Square mile			Square kilo- meters	Square miles	Square ki- lometer	Square mile
PLACE AND COUNTY SUBDIVISION—											
Con.											
Naples Park CDP, Collier County	8 002	5.7	2.2	1 403.9	3 637.3	Plantation Key CDP, Monroe County	4 405	8.4	3.2	524.4	1 376.6
Naranja CDP, Dade County	5 790	3.9	1.5	1 484.6	3 860.0	Plant City city, Hillsborough County	22 754	54.8	21.2	415.2	1 073.3
Nassau Village-Ratiff CDP, Nassau County	4 047	40.8	15.7	99.2	257.8	Poinciana Place CDP, Osceola County	3 618	21.1	8.2	171.5	441.2
Nepheuse Beach city, Duval County	6 816	6.3	2.4	1 081.9	2 840.0	Polk City town, Polk County	1 439	1.5	.6	959.3	2 398.3
Newberry city, Alachua County	1 644	5.7	2.2	288.4	747.3	Pomona Park town, Putnam County	663	7.6	2.9	87.2	228.6
New Port Richey city, Pasco County	14 044	10.9	4.2	1 288.4	3 343.8	Pompano Beach city, Broward County	72 411	52.7	20.3	1 374.0	3 567.0
New Port Richey East CDP, Pasco County	9 683	9.8	3.8	988.1	2 548.2	Pompano Beach Highlands CDP, Broward County	17 915	8.4	3.3	2 132.7	5 428.8
New Smyrna Beach city, Volusia County	16 543	38.0	14.7	435.3	1 125.4	Ponce de Leon town, Holmes County	406	12.3	4.7	33.0	86.4
Niceville city, Okaloosa County	10 507	27.4	10.6	383.5	991.2	Ponce Inlet town, Volusia County	1 704	11.2	4.3	152.1	396.3
Nokomis CDP, Sarasota County	3 448	4.4	1.7	783.6	2 028.2	Port Charlotte CDP, Charlotte County	41 535	57.7	22.3	719.8	1 862.6
Noma town, Holmes County	207	1.3	.5	159.2	414.0	Port La Belle CDP, Hendry County	1 512	5.8	2.3	260.7	657.4
Norland CDP, Dade County	22 109	9.4	3.6	2 352.0	6 141.4	Port Orange city, Volusia County	35 317	52.1	20.1	677.9	1 757.1
North Andrews Gardens CDP, Broward County	9 002	2.9	1.1	3 104.1	8 183.6	Port Richey city, Pasco County	2 523	5.3	2.0	476.0	1 261.5
North Bay Village city, Dade County	5 383	.9	.3	5 981.1	17 943.3	Port St. Joe city, Gulf County	4 044	8.6	3.3	470.2	1 225.5
North Brooksville CDP, Hernando County	1 459	7.2	2.8	202.6	521.1	Port St. John CDP, Brevard County	8 933	9.9	3.8	902.3	2 350.8
North De Land CDP, Volusia County	1 493	1.6	.6	933.1	2 488.3	Port St. Lucie city, St. Lucie County	55 866	196.6	75.9	284.2	736.0
North Fort Myers CDP, Lee County	30 027	59.3	22.9	506.4	1 311.2	Port St. Lucie-River Park CDP, St. Lucie County	4 874	6.0	2.3	812.3	2 119.1
North Key Largo CDP, Monroe County	1 490	49.1	19.0	30.3	78.4	Port Salerno CDP, Martin County	7 786	9.4	3.6	828.3	2 162.8
North Lauderdale city, Broward County	26 506	10.0	3.9	2 650.6	6 796.4	Pretty Bayou CDP, Bay County	3 839	5.4	2.1	710.9	1 828.1
North Miami city, Dade County	49 998	21.8	8.4	2 293.5	5 952.1	Princeton CDP, Dade County	7 073	19.0	7.4	372.3	955.8
North Miami Beach city, Dade County	35 359	12.9	5.0	2 741.0	7 071.8	Punta Gorda city, Charlotte County	10 747	36.5	14.1	294.4	762.2
North Naples CDP, Collier County	13 422	19.2	7.4	699.1	1 813.8	Punta Rassa CDP, Lee County	1 493	6.1	2.4	244.8	622.1
North Palm Beach village, Palm Beach County	11 343	8.6	3.3	1 319.0	3 437.3	Quincy city, Gadsden County	7 444	16.1	6.2	462.4	1 200.6
North Port city, Sarasota County	11 973	193.7	74.8	61.8	160.1	Railroad town, Union County	198	1.4	.5	141.4	396.0
North Redington Beach town, Pinellas County	1 135	.8	.3	1 418.8	3 783.3	Rainbow Lakes CDP, Palm Beach County	1 496	2.1	.8	712.4	1 870.0
North River Shores CDP, Martin County	3 250	3.4	1.3	955.9	2 500.0	Reddick town, Marion County	554	3.2	1.2	173.1	461.7
North Sarasota CDP, Sarasota County	6 702	9.8	3.8	683.9	1 763.7	Redington Beach town, Pinellas County	1 626	.9	.4	1 806.7	4 065.0
Oak Hill city, Volusia County	917	14.0	5.4	65.5	169.8	Redington Shores town, Pinellas County	2 366	1.0	.4	2 366.0	5 915.0
Oakland city, Orange County	700	1.0	.4	700.0	1 750.0	Richmond Heights CDP, Dade County	8 583	4.3	1.7	1 996.0	5 048.8
Oakland Park city, Broward County	26 326	16.5	6.4	1 595.5	4 113.4	Ridge Manor CDP, Hernando County	1 947	10.9	4.2	178.6	463.6
Oakland Park CDP, Lake County	1 743	1.6	.6	1 089.4	2 905.0	Ridge Wood Heights CDP, Sarasota County	4 851	3.7	1.4	1 311.1	3 465.0
Oak Ridge CDP, Orange County	15 388	11.7	4.5	1 315.2	3 419.6	Rio CDP, Martin County	1 054	1.0	.4	1 054.0	2 635.0
Ocala city, Marion County	42 045	74.7	28.9	562.9	1 454.8	Riverland CDP, Broward County	5 376	3.0	1.1	1 792.0	4 887.3
Ocean Breeze Park town, Martin County	519	.4	.2	1 297.5	2 595.0	Riverview CDP, Hillsborough County	6 478	22.9	8.8	282.9	736.1
Ocean City CDP, Okaloosa County	5 422	4.1	1.6	1 322.4	3 388.8	Riverview CDP, Hillsborough County	6 478	22.9	8.8	282.9	736.1
Ocean City CDP, Okaloosa County	1 570	2.2	.9	713.6	1 744.4	Riviera Beach city, Palm Beach County	27 639	19.4	7.5	1 424.7	3 685.2
Ocean Ridge town, Palm Beach County	12 778	23.4	9.0	546.1	1 419.8	Rockledge city, Brevard County	16 023	25.3	9.8	633.3	1 635.0
Ocoee city, Orange County	15 519	7.6	2.9	2 042.0	5 351.4	Roseland CDP, Indian River County	1 379	4.2	1.6	328.3	861.9
Ous CDP, Dade County	4 943	10.6	4.1	466.3	1 205.6	Rotonda CDP, Charlotte County	3 576	31.3	12.1	114.2	295.5
Oxaschoobee city, Okaloosa County	8 361	21.8	8.4	383.5	995.4	Royal Palm Beach village, Palm Beach County	14 589	22.8	8.8	639.9	1 657.8
Oldsmar city, Pinellas County	37 792	17.5	6.7	2 159.5	5 640.6	Ruskin CDP, Hillsborough County	6 046	19.3	7.4	313.3	817.0
Orlando Heights CDP, Dade County	15 283	11.2	4.3	1 364.6	3 554.2	Safety Harbor city, Pinellas County	15 124	11.7	4.5	1 292.6	3 360.9
Oso-lacka North CDP, Dade County	6 568	5.6	2.2	1 172.9	2 985.5	St. Augustine city, St. Johns County	11 692	18.2	7.0	642.4	1 670.3
Orange City city, Volusia County	5 347	14.5	5.6	368.8	954.8	St. Augustine Beach city, St. Johns County	3 657	4.9	1.9	746.3	1 924.7
Orange Park town, Clay County	9 488	10.1	3.9	939.4	2 432.8	St. Augustine Shores CDP, St. Johns County	4 411	8.9	3.4	495.6	1 297.4
Orchid town, Indian River County	10	3.2	1.2	3.1	8.3	St. Augustine South CDP, St. Johns County	4 218	4.5	1.7	937.3	2 481.2
Orlando city, Orange County	164 693	174.2	67.3	945.4	2 447.1	St. Cloud city, Osceola County	12 453	19.5	7.5	638.6	1 660.4
Orlando CDP, Orange County	5 990	5.0	1.9	1 198.0	3 152.6	St. Cloud city, Osceola County	12 453	19.5	7.5	638.6	1 660.4
Orlando CDP, Volusia County	29 721	65.3	25.2	455.1	1 179.4	St. James City CDP, Lee County	1 904	5.5	2.1	346.2	906.7
Ormond Beach city, Volusia County	8 157	5.1	2.0	1 599.4	4 078.5	St. James City CDP, Lee County	1 904	5.5	2.1	346.2	906.7
Ormond-By-The-Sea CDP, Volusia County	2 597	5.3	2.1	490.0	1 236.7	St. Leo town, Pasco County	1 009	3.5	1.4	288.3	720.7
Ozney CDP, Sarasota County	136	3.7	1.4	36.8	97.1	St. Leo town, Pasco County	1 009	3.5	1.4	288.3	720.7
Other Creek town, Levy County	11 114	34.7	13.4	320.3	829.4	St. Lucie village, St. Lucie County	584	2.0	.8	292.0	730.0
Owiedo city, Seminole County	6 277	24.3	9.4	258.3	667.8	St. Marks city, Wakulla County	307	4.4	1.7	69.8	180.6
Pace CDP, Santa Rosa County	5 116	2.7	1.1	1 894.8	4 650.9	St. Marks city, Wakulla County	307	4.4	1.7	69.8	180.6
Pace Park-Pine Manor CDP, Lee County	6 822	13.8	5.3	494.3	1 287.2	St. Petersburg city, Pinellas County	238 629	153.3	59.2	1 556.6	4 030.9
Panama City city, Bay County	10 201	16.3	6.3	625.8	1 619.2	St. Petersburg Beach city, Pinellas County	9 200	5.8	2.3	586.2	4 000.0
Panama city, Broward County	62 632	164.8	63.6	380.0	984.8	Sarasota CDP, Manatee County	3 119	5.0	1.9	623.8	1 641.6
Palm Beach town, Palm Beach County	9 814	10.2	3.9	962.2	2 516.4	Sarasota-Spruce Creek CDP, Volusia County	3 404	60.3	23.3	56.5	146.1
Palm Beach Gardens city, Palm Beach County	22 965	68.1	26.3	337.2	873.2	San Antonio city, Pasco County	776	3.0	1.2	258.7	646.7
Palm Beach Shores town, Palm Beach County	1 040	.7	.3	1 485.7	3 466.7	San Carlos Park CDP, Lee County	11 785	15.4	5.9	765.3	1 997.5
Palm City CDP, Martin County	3 925	8.7	3.4	451.1	1 154.4	Sandalford Cove CDP, Palm Beach County	14 214	7.6	2.9	1 870.3	4 901.4
Palm Coast CDP, Flagler County	14 287	51.5	19.9	277.4	717.9	Sanford city, Seminole County	32 387	44.8	17.3	722.9	1 872.1
Palm Bay city, Manatee County	9 268	9.9	3.8	936.2	2 438.9	Sanibel city, Lee County	5 468	44.6	17.2	122.6	317.9
Palm Bay city, Manatee County	12 293	5.5	2.1	2 235.1	5 853.8	Sarasota city, Sarasota County	50 961	37.9	14.6	1 344.6	3 490.5
Palm Harbor CDP, Pinellas County	50 256	46.4	17.9	1 083.1	2 807.6	Sarasota Springs CDP, Sarasota County	16 088	9.4	3.6	1 711.5	4 468.9
Palm River CDP, Collier County	3 507	5.2	2.0	674.4	1 753.5	Satellite Beach city, Brevard County	9 889	6.2	2.4	1 595.0	4 120.4
Palm River-Clair Mel CDP, Hillsborough County	13 691	21.0	8.1	652.0	1 690.2	Sawgrass CDP, St. Johns County	2 999	8.0	3.1	374.9	967.4
Palm Shores town, Brevard County	210	1.2	.4	1 175.0	3 025.0	Scott Lake CDP, Dade County	14 588	8.5	3.3	1 716.2	4 420.6
Palm Springs village, Palm Beach County	9 763	3.5	1.3	2 789.4	7 571.0	Sea Ranch Lakes village, Broward County	619	.5	.2	1 238.0	3 095.0
Palm Springs North CDP, Dade County	5 300	1.8	.7	2 944.4	7 571.0	Sebastian city, Indian River County	10 205	32.5	12.5	314.0	816.4
Palm Valley CDP, St. Johns County	9 960	34.7	13.4	287.0	743.3	Sebring city, Highlands County	8 900	11.9	4.6	747.9	1 934.8
Panama City city, Bay County	34 378	40.1	15.5	857.3	2 217.9	Seffner CDP, Hillsborough County	5 371	9.4	3.6	571.4	1 491.9
Panama City Beach city, Bay County	4 051	14.8	5.7	273.7	710.7	Seminole city, Pinellas County	9 251	5.8	2.3	1 595.0	4 022.2
Panama city, Broward County	4 598	5.0	1.9	919.6	2 420.0	Sewall's Point town, Martin County	1 588	3.2	1.2	496.3	1 323.3
Panama city, Broward County	3 558	22.4	8.6	158.8	413.7	Shalimar town, Okaloosa County	341	.7	.3	487.1	1 136.7
Paxton town, Walton County	600	10.1	3.9	59.4	153.8	Sharps CDP, Brevard County	3 348	7.7	3.0	434.8	1 116.0
Pembroke Park town, Broward County	4 933	3.5	1.3	1 409.4	3 794.6	Siesta Key CDP, Sarasota County	7 772	5.9	2.3	1 317.3	3 379.1
Pembroke Pines city, Broward County	65 452	82.7	31.9	791.4	2 051.8	Silver Lake CDP, Lake County	1 573	6.7	2.6	234.8	605.0
Pemney Farms town, Clay County	609	3.2	1.2	190.3	507.5	Silver Springs Shores CDP, Marion County	6 421	12.5	4.8	513.7	1 337.7
Pensacola city, Escambia County	58 165	58.6	22.6								

Table 16. Land Area and Population Density: 1990—Con.

[For definitions of terms and meanings of symbols, see text]

State County Place and [In Selected States] County Subdivision	All persons	Land area		Persons per—		State County Place and [In Selected States] County Subdivision	All persons	Land area		Persons per—	
		Square kilo- meters	Square miles	Square ki- lometer	Square mile			Square kilo- meters	Square miles	Square ki- lometer	Square mile
PLACE AND COUNTY SUBDIVISION— Con.						PLACE AND COUNTY SUBDIVISION— Con.					
Holly Hill city, Volusia County	11 141	9.0	3.5	1 237.9	3 183.1	Lauderhill city, Broward County	49 708	19.0	7.3	2 616.2	6 809.3
Hollywood city, Broward County	121 697	70.6	27.3	1 723.8	4 457.8	Laurel CDP, Sarasota County	8 245	12.6	4.9	654.4	1 682.7
Holmes Beach city, Manatee County	4 810	4.2	1.6	1 145.2	3 006.3	Laurel Hill city, Okaloosa County	543	8.2	3.2	66.2	169.7
Homestead city, Dade County	26 866	30.1	11.6	892.6	2 316.0	Lawley city, Bradford County	676	3.2	1.2	211.3	563.3
Homestead AFB CDP, Dade County	5 153	11.3	4.4	456.0	1 171.1	Layton city, Monroe County	183	.6	.2	305.0	915.0
Homoassa CDP, Citrus County	2 113	13.4	5.2	157.7	406.3	Lazy Lake village, Broward County	33	.1	.1	330.0	—
Homoassa Springs CDP, Citrus County	6 271	33.5	12.9	187.2	486.1	Leesman CDP, Pinellas County	21 748	13.7	5.3	1 587.4	4 103.4
Horseshoe Beach town, Dixie County	252	.5	.2	504.0	1 260.0	Leesman CDP, Citrus County	1 243	15.6	6.0	79.7	207.2
Howey-in-the-Hills town, Lake County	724	4.3	1.6	168.4	432.5	Lee town, Madison County	306	2.6	1.0	117.7	306.0
Hudson CDP, Pasco County	7 344	9.4	3.6	781.3	2 040.0	Leesburg city, Lake County	14 903	23.2	9.0	642.4	1 655.9
Hutchinson Island South CDP, St. Lucie County	3 893	11.7	4.5	332.7	865.1	Lehigh Acres CDP, Lee County	13 611	21.8	8.4	624.4	1 620.4
Hypoluxa town, Palm Beach County	830	1.5	.6	553.3	1 383.3	Leisure City CDP, Dade County	19 379	9.0	3.5	2 153.2	5 536.9
Immaculate CDP, Collier County	14 120	20.5	7.9	688.8	1 787.3	Lely CDP, Collier County	3 014	3.9	1.5	772.8	2 009.3
Indian River town, Brevard County	2 844	2.7	1.0	1 053.3	2 844.0	Lighthouse Point city, Broward County	10 378	5.9	2.3	1 759.0	4 512.2
Indian Creek village, Dade County	44	1.1	.4	40.0	110.0	Lindgren Acres CDP, Dade County	22 290	9.7	3.8	2 297.9	5 865.8
Indian Harbour Beach city, Brevard County	6 933	5.5	2.1	1 260.5	3 301.4	Live Oak city, Suwannee County	6 332	18.0	7.0	351.8	904.6
Indian River Estates CDP, St. Lucie County	4 858	8.3	3.2	585.3	1 518.1	Lochmoor Waterway Estates CDP, Lee County	4 091	5.8	2.3	705.3	1 778.7
Indian River Shores town, Indian River County	2 278	13.3	5.1	171.3	446.7	Lodhart CDP, Orange County	11 636	11.3	4.4	1 029.7	2 644.5
Indian Rocks Beach city, Pinellas County	3 963	2.4	.9	615.3	4 403.3	Longboat Key town	5 937	12.7	4.9	467.5	1 211.6
Indian Shores town, Pinellas County	1 405	.9	.3	1 561.1	4 683.3	Manatee County	2 544	5.7	2.2	446.3	1 156.4
Indiantown CDP, Martin County	4 794	15.5	6.0	309.3	799.0	Sarasota County	3 393	7.1	2.7	477.9	1 256.7
Ingleside town, Levy County	1 241	9.5	3.7	130.6	335.4	Longwood city, Seminole County	13 316	13.6	5.2	979.1	2 560.8
Interlachen town, Putnam County	1 160	15.0	5.8	77.3	200.0	Loughman CDP, Polk County	1 214	8.2	3.2	148.0	379.4
Inverness city, Citrus County	5 797	18.9	7.3	306.7	794.1	Lower Grand Lagoon CDP, Bay County	3 329	5.7	2.2	584.0	1 513.2
Inwood CDP, Polk County	6 824	5.1	2.0	1 338.0	3 412.0	Lutz CDP, Hillsborough County	10 552	34.3	13.3	307.6	793.4
Iona CDP, Lee County	9 565	18.5	7.1	517.0	1 347.2	Lynn Haven city, Bay County	9 298	13.1	5.1	709.8	1 823.1
Islamorada CDP, Monroe County	1 220	3.8	1.5	321.1	813.3	Macclenny city, Baker County	3 966	8.3	3.2	477.8	1 239.4
Isla Vista city, Dade County	13	15.9	6.1	.8	2.1	McGregor CDP, Lee County	6 504	6.6	2.6	985.5	2 501.5
Ives Estates CDP, Dade County	13 531	6.8	2.6	1 989.9	5 204.2	McIntosh town, Marion County	411	1.8	.7	228.3	587.1
Jacksonville Beach city, Duval County	17 839	19.9	7.7	896.4	2 316.8	Medusa Beach city, Pinellas County	4 225	2.6	1.0	625.0	4 225.0
Jacksonville city (remainder), Duval County ..	635 230	1 965.0	758.7	323.3	837.3	Medusa city, Madison County	3 345	6.4	2.5	522.7	1 338.0
Jacob City city, Jackson County	261	8.0	3.1	32.6	84.2	Maitland city, Orange County	9 110	9.8	3.8	929.6	2 397.4
Jan Phyl Village CDP, Polk County	5 308	12.2	4.7	435.1	1 129.4	Melbourne town, Brevard County	1 977	27.6	10.7	71.6	184.8
Jasmine Estates CDP, Pasco County	17 136	9.3	3.6	1 842.6	4 760.0	Melrose town, Jackson County	765	7.9	3.0	96.8	255.0
Jasper city, Hamilton County	2 099	5.0	1.9	419.8	1 047.7	Melrose town, Palm Beach County	312	1.2	.5	260.0	624.0
Jay town, Santa Rosa County	666	3.9	1.5	170.8	444.0	Melrose Key CDP, Charlotte County	1 395	2.8	1.1	498.2	1 268.2
Jennings town, Hamilton County	712	4.4	1.7	161.8	418.8	Merritt Island CDP, Brevard County	8 700	11.9	4.6	731.1	1 891.3
Jensen Beach CDP, Martin County	9 884	11.0	4.3	898.5	2 298.6	Merritt Island city, Brevard County	1 453	1.8	.7	807.2	2 075.7
Juno Park CDP, Brevard County	4 080	10.2	3.9	400.0	1 046.2	Merritt Island city, Palm Beach County	8 857	13.5	5.2	656.1	1 703.3
Juno Beach town, Palm Beach County	2 121	2.8	1.1	757.5	1 928.2	Merritt Island CDP, Monroe County	9 493	19.0	7.4	499.6	1 282.8
Jupiter town, Palm Beach County	24 986	34.0	13.1	734.9	1 907.3	Merritt Island CDP, Collier County	42 985	22.9	8.8	1 877.1	4 884.7
Jupiter Inlet Colony town, Palm Beach County	405	.5	.2	810.0	2 025.0	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Jupiter Island town, Martin County	549	6.5	2.5	84.5	219.6	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Kathleen CDP, Polk County	2 743	8.6	3.3	319.0	831.2	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Kendale Lakes CDP, Dade County	48 524	21.4	8.3	2 267.5	5 846.3	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Kendall CDP, Dade County	87 271	61.0	23.5	1 430.7	3 713.7	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Kendall Green CDP, Broward County	3 815	1.9	.7	2 007.9	5 450.0	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Kendall Lakes West CDP, Dade County	6 038	2.4	.9	2 515.8	6 708.9	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Kenneth City town, Pinellas County	4 462	1.9	.7	2 348.4	6 374.3	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Kensington Park CDP, Sarasota County	3 026	2.6	1.0	1 163.8	3 026.0	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Key Biscayne CDP, Dade County	8 854	3.3	1.3	2 683.0	6 810.8	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Key Colony Beach city, Monroe County	977	1.3	.5	751.5	1 954.0	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Key Largo CDP, Monroe County	11 336	24.1	9.3	470.4	1 218.9	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Keystone Heights city, Clay County	1 315	2.2	.9	597.7	1 461.1	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Key West city, Monroe County	24 832	14.2	5.5	1 748.7	4 514.9	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Kings Point CDP, Palm Beach County	12 422	4.6	1.8	2 700.4	6 901.1	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Kissimmee city, Osceola County	30 050	32.2	12.4	933.2	2 423.4	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
La Belle city, Hendry County	2 703	7.4	2.8	365.3	965.4	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lacoochee CDP, Pasco County	2 072	7.4	2.9	280.0	714.5	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
La Crosse town, Alachua County	122	3.5	1.3	34.9	93.8	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lady Lake town, Lake County	8 071	15.5	6.0	520.7	1 345.2	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Laguna Beach CDP, Bay County	1 876	6.6	2.6	284.2	721.5	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lake Alfred city, Polk County	3 622	6.5	2.5	557.2	1 448.8	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lake Buena Vista city, Orange County	1 776	14.0	5.4	126.9	328.9	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lake Butler city, Union County	2 116	4.5	1.7	470.2	1 244.7	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lake City city, Columbia County	10 005	27.3	10.5	366.5	952.9	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lake Clarke Shores town, Palm Beach County	3 364	2.5	1.0	1 345.6	3 364.0	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lake Hamilton town, Polk County	1 128	7.9	3.0	142.8	376.0	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lake Helen city, Volusia County	2 344	10.7	4.1	219.1	571.7	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lakeland city, Polk County	70 576	99.4	38.4	710.0	1 837.9	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lakeland Highlands CDP, Polk County	9 972	14.5	5.6	687.7	1 780.7	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lake Lorraine CDP, Okaloosa County	6 779	5.3	2.0	1 279.1	3 389.5	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lake Lucerne CDP, Dade County	9 478	6.6	2.5	1 436.1	3 791.2	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lake Magdalene CDP, Hillsborough County	15 973	12.4	4.8	1 288.1	3 327.7	Merritt Island city, Broward County	6 292	17.0	6.6	370.1	953.3
Lake Mary city, Seminole County	5 929	22.0	8.5	269.5	697.5	Merritt Island city, Broward County	6 292	17.0	6		

EXHIBIT 2



AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT


State of Georgia)
St. Simons Island)
County of Glynn) ss:

CLIFTON G. MOOR being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Bitner-James Partnership, permittee of WTPS Radio Station, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in broadcast engineering since 1966.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 22nd day of September, 1993.



CLIFTON G. MOOR
Affiant

Sworn to and subscribed before
me this the 22nd day of September, 1993.



Notary Public, State of Georgia
My Commission Expires: September 8, 1995

COUNTERPROPOSAL TO MM DDC 82-222
FILED BY BITNER-JAMES PARTNERSHIP
REQUESTING 824 G3
MIDWAY, FLORIDA
September 1983

Technical Exhibit
TE-1

Bromo Communications, Inc.
P.O. Box 21760 - 1331 Ocean Boulevard, Suite 201
St. Simons Island, Georgia 31522
(912) 638-5608

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COUNTERPROPOSAL TO MM DOC 93-229
FILED BY BITNER-JAMES PARTNERSHIP
REQUESTING 264 C3
MIDWAY, FLORIDA
September 1993

This requested rule making is being filed as a counterproposal to MM Docket 93-229, RM-8296, and is filed on behalf of Bitner-James Partnership ("BJP"), permittee of WTPS, Quincy, Florida. BJP wishes to upgrade from the presently licensed Channel 264A, Quincy, Florida, to Channel 264C3 licensed to Midway, Florida. The addition of Channel 264C3 to Midway would make it the first service licensed to that community.

Exhibit #1 is an allocation study indicating that the reference coordinates of North Latitude 30° 32' 22" and West Longitude 84° 21' 54" clear all Class C3 allocation constraints but one, the proposed rule making at Panacea, Florida; herein lies the mutual exclusivity. This reference is located approximately 10.0 kilometers northeast of Midway. Because of this site restriction, Quincy, Florida, cannot receive 100% city grade coverage. Therefore, for a C3 upgrade, a city of license change is requested. Exhibit #2 is a Usable Area Map indicating coverage of Midway, Florida, the proposed city of license.

BJP has discovered that there are a number of alternate channels that could be used as an alternate channel at Panacea, Florida. Channel 237A clears all allocation constraints at the proposed Panacea reference of North Latitude 29° 54' 33" and West Longitude 84° 21' 01". Exhibit #3 is the Channel 237A study of one of the alternate channels.

The removal of WTPS from Quincy, Florida, will leave the city with two other services:

WPHT 268.02	50 KW
WWSD 1230 kHz	1 KW (Unlimited)

The city of Midway presently has no licensed services.

Presently BJP is the permittee of a 3.0 Kilowatt 100 meter HAAT Class A station. If permitted to upgrade to Class C3, 147,792 additional persons will be served by the WTPS 60 dBu contour as well as 2,953 square kilometers more.

	<u>Population</u>	<u>Sq. Km.</u>
Present WTPS A	98,551	1815.6
Proposed WTPS Class C3	246,343	4768.6
Panacea, Florida (Proposed)	1,728	1006.4 (Land)

All population counts are based on the 1990 Census taken from the PL 91-171 files.

If ordered to Class C3, WTPS will timely file FOC Form 301 requesting the expanded facility.

In conclusion, BJP requests that §73.207(b) reflect the following:

	<u>Present</u>	<u>Proposed</u>
Quincy, FL	264A, 26802	26802
Midway, FL	None	264C3
Panacea, FL	263A (PRM)	237A

All of the information contained herein is true and correct to the best of our belief and knowledge. Should questions arise during consideration of these comments, we would welcome the opportunity to discuss the matter by phone (912) 638-5608. All data relating to authorized, applied for or proposed facilities (FM stations) was extracted from the NTIA database, as updated August 25, 1993. We assume no liability for omissions or errors in that database.

BRONO COMMUNICATIONS INC
P.O. Box M - ST SIMONS ISLAND GA 31522

Bitner James Partnership
Searching at Proposed Reference Site

REFERENCE
30 32 22 N
84 21 54 W

CLASS C3
Current rules spacing
CHANNEL 284 -100.7 MHz

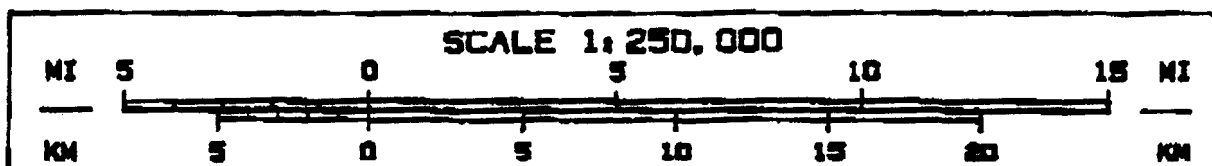
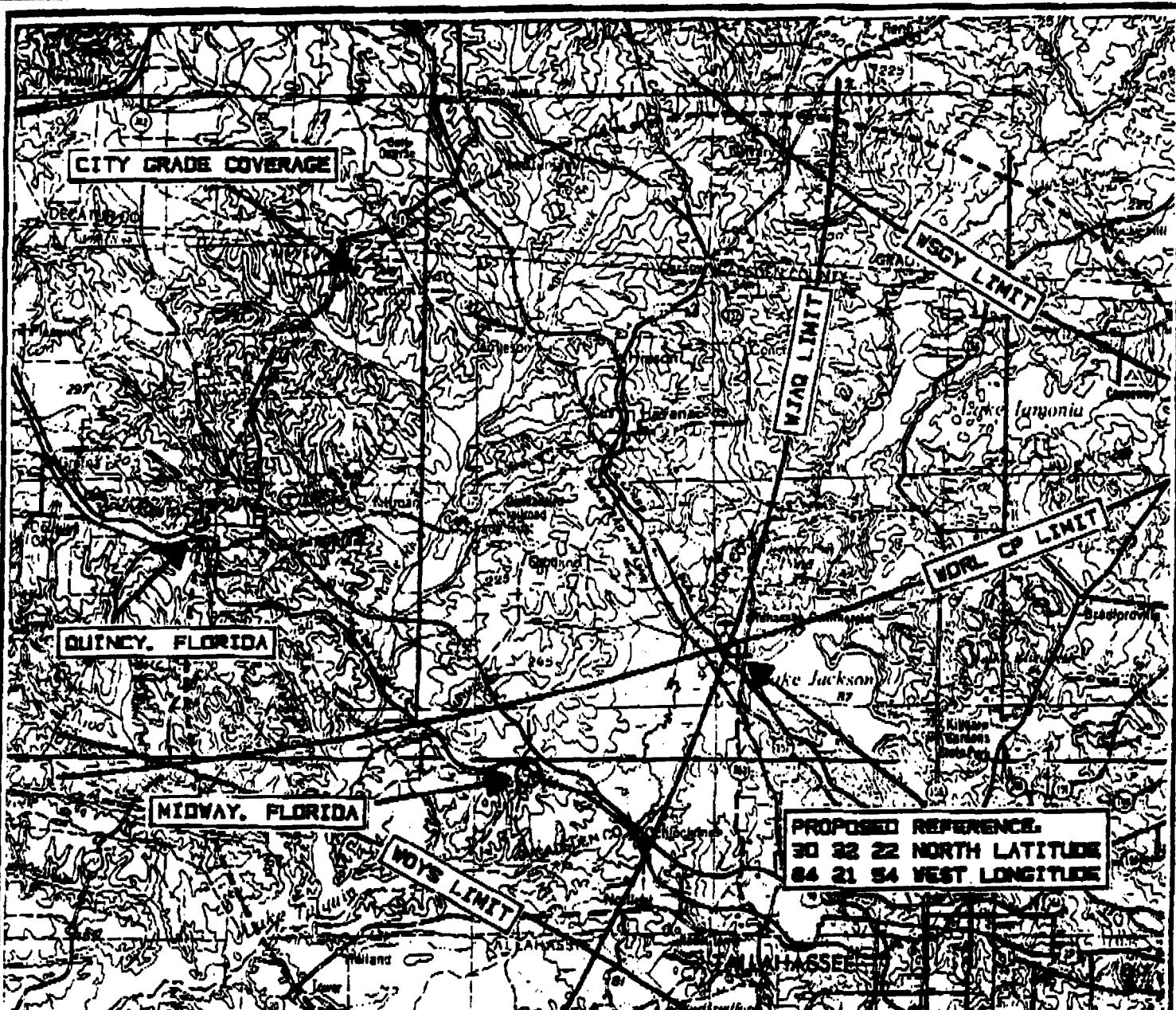
DISPLAY DATES
DATA 08-25-83
SEARCH 09-21-83

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WTRC.C CP CN	284A 30 32 05	Quincy 84 32 37	FL 3.000 kW	268.3 100M	17.15 10.7	142.0 88.3	-124.85 *
Monte R. Bitner and Leah R. J BPH870227ME							
AD283 AD	283A 29 54 33	Panacea 84 21 01	FL 0.000 kW	178.8 0M	89.88 43.4	88.0 55.3	-19.12 *
BME Communications RM8298 930712 >PRM-Site Restricted 14.8 km Southeast							
NJAQ LI HN	285A 30 47 01	Marianna 05 15 18	FL 2.500 kW	287.8 101M	89.49 55.8	89.0 55.3	0.49 <
Brewer Broadcasting Corporati BLH2805							
DE285 DE	285A 30 47 01	Marianna 05 15 18	FL 0.000 kW	287.8 0M	89.49 55.8	89.0 55.3	0.49 <
Brewer Broadcasting Corporati							
WDRL.C CP CN	284A 31 45 59	Cuthbert 84 48 40	GA 3.000 kW	342.6 100M	142.53 88.8	142.0 88.3	0.53 <
Daniel Roy Limitone BPH880129MH >CP Cancelled & Call Sign Deleted 920012							
WOYS LI CN	285A 29 43 57	Apalachicola 84 53 24	FL 5.400 kW	209.5 105M	102.76 83.9	89.0 55.3	13.76
Richard L. Plessinger, Sr. BMLH091205KC >HAAT must be equal to or less than Maximum HAAT							
WSGY LI CN	262C 31 25 49	Tifton 83 45 22	GA 100.000 kW	30.5 307M	114.82 71.2	96.0 58.7	18.82
WWSG/Woup Partnership BLH890712KA							

C3 ALLOCATION STUDY

EXHIBIT #1
COUNTERPROPOSAL TO
MM DOC 93-229
BITNER JAMES PARTNERSHIP
SEEKING 284 C3
MIDWAY, FLORIDA
SEPTEMBER 1989

BRONO
COMMUNICATIONS
St Simons Island, Georgia
BROADCAST
TECHNICAL CONSULTANTS
Washington, D.C.



284 C3 USABLE AREA

MAP IS TALLAHASSEE, FL USGS 250,000 SCALE

THIS MAP ASSUMES PANACEA, FL ON A CHANNEL OTHER THAN 284 A.

EXHIBIT #2
COUNTERPROPOSAL TO
MM DOC 98-229
BITNER JAMES PARTNERSHIP
SEEKING 284 C3
MIDWAY, FLORIDA
SEPTEMBER 1998

KROMO
COMMUNICATIONS
 BROADCAST TECHNICAL CONSULTANTS
 St Simons Island, Georgia Washington, D.C.

BROMO COMMUNICATIONS INC
P.O. Box M - ST SIMONS ISLAND GA 31522

Alternate Channel Search
Panacea, Florida

REFERENCE
28 54 33 N
84 21 01 W

CLASS A
Current rules spacings
CHANNEL 237 - 85.3 MHz

DISPLAY DATES
DATA 08-25-83
SEARCH 09-21-83

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	DEAR HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WTNT	235C1	Tallahassee	FL	8.4	74.88	75.0	-0.32 *
LI CY	30 34 49	84 15 48	100.000 kW	250M	48.4	48.8	
		Park Broadcasting of Florida,			BLH840108AE		
WTVYFM	238C	Dothan	AL	329.8	172.89	185.0	7.83
LI CN	31 15 18	85 15 39	100.000 kW	323M	107.4	102.0	
		Woods Communications Group, I			BLH880323KD		
WJYP.C	237C3	Nashville	GA	34.0	188.88	142.0	28.88
CP CN	31 10 18	83 21 57	9.700 kW	150M	104.9	80.3	
		Tifton Broadcasting Corporati			BPH921118IH		
		>From Channel 237A Per D82-87					
WHBX	240A	Tallahassee	FL	4.4	81.55	31.0	30.55
LI CN	30 27 48	84 18 04	3.000 kW	91M	38.3	19.3	
		HVS Partners			BLH820712AK		
		>*To Channel 241C2 per D89-23					
WRZK	291A	Tallahassee	FL	7.7	53.38	10.0	43.38
LI ZEN	30 23 11	84 18 34	3.000 kW	100M	33.2	6.2	
		John S. Matthews, Jr.			BLH820511KB		

237 A (Alternate Channel)

* Rounds to zero shortage.

The site utilized herein is same site
proposed in MM Doc 83-220

EXHIBIT #3
COUNTERPROPOSAL TO
MM DOC 83-220
BITNER JAMES PARTNERSHIP
SEEKING 264 CB
MIDWAY, FLORIDA
SEPTEMBER 1983

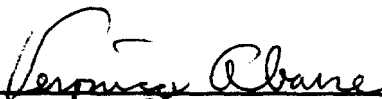
BROMO
COMMUNICATIONS
St Simons Island, Georgia
WASHINGTON, D.C.

CERTIFICATE OF SERVICE

I, Veronica Abarre, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, P.C., do hereby certify that I have this 27th day of September, 1993, caused to be mailed by first class mail, postage prepaid copies of the foregoing "COUNTERPROPOSAL" to the following:

* Ms. Nancy J. Walls
Allocation Branch -- Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W.--Room 8317
Washington, D.C. 20036

EME Communications
c/o Clyde Scott Jr.
Route 3, Box 485-C
Moultrie, Georgia 31768



Veronica Abarre

* Hand Delivered